

NOT FOR PUBLICATION

**FILED**

UNITED STATES COURT OF APPEALS

OCT 14 2005

FOR THE NINTH CIRCUIT

CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS

**THE ARC OF WASHINGTON STATE, INC., a Washington corporation on behalf of its members; GUADALUPE E. CANO, by and through her guardian Delia C. Cano; OLIVIA MURGUIA, by and through her guardian Teri L. Hewett; LORIANNE V. LUDWIGSON, by and through her guardians Donald and Sheryl Ludwigson,**

Plaintiffs - Appellants,

v.

**DENNIS BRADDOCK, in his official capacity as the Secretary of the Washington Department of Social and Health Services;\* DEPARTMENT OF SOCIAL & HEALTH SERVICES STATE OF WASHINGTON; FINANCIAL MANAGEMENT OFFICE OF THE STATE OF WASHINGTON; MARTY BROWN, in his official capacity as Director of the Washington Office of Financial Management; TIMOTHY R. BROWN, in his official capacity as the Director of**

No. 03-35605

D.C. No. CV-99-05577-FDB

**ORDER**

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\* Dennis Braddock is substituted for his predecessor, Lyle Quasim, as Secretary of the Washington Department of Social and Health Services. Fed. R. App. P. 43(c)(2).

**the Washington State Division of  
Developmental Disabilities;  
DEVELOPMENTAL DISABILITIES  
DIVISION; CHRISTINE  
GREGOIRE,\*\* in her official capacity as  
Governor of the State of Washington,**

Defendants - Appellees.

Before: **KOZINSKI, FERNANDEZ** and **CLIFTON**, Circuit Judges.

The memorandum disposition filed March 29, 2005, shall be amended as follows. Replace footnote 1 with:

Their claim that the Americans with Disabilities Act was violated is disposed of in a separate opinion. All other issues are disposed of in this memorandum disposition.